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Chairperson: Mr. Penke (Latvia)

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The meeting was called to order at 10.20 a.m.

Agenda item 64: Report of the Human Rights Council *(continued)* (A/C.3/64/L.63)

Draft resolution A/C.3/64/L.63: Office of the President of the Human Rights Council

1. **Ms. Kholi** (Switzerland) introduced draft resolution A/C.3/64/L.63 on behalf of its sponsors, which had been joined by Argentina, France, Jordan, Liechtenstein, New Zealand and Nigeria. She said that the President of the Human Rights Council required additional support, as the Council had noted in its decision 9/103 on the strengthening of the Human Rights Council. In that decision, the Council had recommended that the General Assembly ensure the establishment of an Office of the President of the Human Rights Council. As the Fifth Committee, at the sixty-third session, had not made the necessary appropriations for the creation of that Office, the draft text, which Switzerland hoped would be adopted by consensus at the following session, represented a compromise, following extensive consultations, which should pave the way for the establishment of the Office. While delegations had agreed that the President of the Council required more effective support, they had wished to examine further the modus operandi of the Office.

2. **The Chairperson** said that Romania and Somalia had also joined the sponsors of the draft resolution.

Agenda item 69: Promotion and protection of human rights *(continued)*

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*

Agenda item 61: Social development *(continued)* (A/C.3/64/L.37)

Draft resolution A/C.3/64/L.37: Situation of human rights in the Islamic Republic of Iran

3. **Mr. McNee** (Canada) noted a continuing deterioration in the situation of human rights in the Islamic Republic of Iran since the adoption by the General Assembly of resolution 63/191, particularly following the presidential election of 12 June 2009. The 41 sponsors had not taken lightly the decision to introduce the draft resolution, and every effort had been made to produce an accurate text reflecting events that had taken place during the year. The sponsors all hoped that the day would come when such resolutions would no longer be necessary, because the Iranian Government would be willing to abide by its human rights obligations, or at least would recognize that, like all nations, it faced human rights challenges. The claims of the Government of the Islamic Republic of Iran that cooperation was preferable to resolutions lacked credibility, because its behaviour, recalled in paragraphs 5 and 6 of the draft resolution, did not reflect any willingness to cooperate with relevant international mechanisms. As long as Iranian citizens themselves could not address human rights issues without fear of persecution, the Third Committee, which was the only body with universal membership responsible for addressing those issues at the international level, could not overlook the continued violations of fundamental rights in the Islamic Republic of Iran. Accordingly, Canada urged all delegations to vote in favour of the draft resolution.

4. **Mr. Khazaee** (Islamic Republic of Iran) noted that the Government of Canada was persisting, for the seventh consecutive year, to divert the Third Committee from the purpose of its work by putting forward a highly politicized draft resolution that reflected its animosity towards the Islamic Republic of Iran. The Third Committee should refuse to engage in such political games, which turned human rights — one of the highest human aspirations — into a crude tool for promoting the foreign policy of certain States. Selectivity, politicization and the application of double standards had given rise to confrontation and polarization, which undermined the ability of the United Nations to effectively promote human rights.

5. That was demonstrated by the fact that a few countries, including Canada, the main sponsor of the draft resolution under consideration, had voted against the draft resolution on the report of the United Nations Fact-Finding Mission on the Gaza Conflict, and that the sponsors of the draft resolution themselves had indefensible records when it came to human rights. In fact, objective information from reliable sources, such as intergovernmental organizations, treaty bodies of the United Nations and non-governmental organizations, showed that Canada was not living up to its international human rights obligations. The sources pointed to systematic violations, including discriminatory and abusive measures against its indigenous people, immigrants and minorities, as well as police violence. It was a sad irony that the list of

sponsors of the draft resolution included the Israeli regime, whose very creation and existence were intertwined with the worst forms of human rights violations.

6. Some information contained in the draft resolution was erroneous, as it was contradicted in particular by the report of the Secretary-General (A/64/357), which Canada would have been well-advised to study more attentively. For example, the allegations made in paragraph 2 came from unreliable sources, and paragraph 3 painted an entirely erroneous picture of the presidential election of 12 June 2009. There had been a record 85 per cent turnout for the election and, thanks to existing mechanisms, the rights of both voters and candidates had been protected and guaranteed. With regard to paragraph 5, the Islamic Republic of Iran was surprised by the failure to recognize its genuine cooperation with the Office of the United Nations High Commissioner for Human Rights and with special procedures mandate holders of the Human Rights Council. Moreover, the Islamic Republic of Iran was particularly surprised to note that it was being called upon, pursuant to its obligations, to report to the treaty bodies of the instruments to which it was party. His country had already done so, however, since it had recently submitted its periodic reports on the implementation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Islamic Republic of Iran had also submitted its universal periodic review report, which the Human Rights Council would consider in February 2010. Lastly, paragraph 3 (g) of the draft resolution implicitly requested the granting of a form of diplomatic immunity to local employees of foreign embassies. Such a request had no legal basis nor did it have any relevance to human rights issues.

7. The Government of the Islamic Republic of Iran was more aware than anyone of its responsibilities and was committed to observe and implement the provisions of its Constitution, including the obligations arising from relevant international instruments. Its human rights policies had always focused on interaction and cooperation in order to build national capacities and to encourage constructive participation in national and international promotional activities. The Government of the Islamic Republic of Iran was also engaged in the process of creating and strengthening monitoring mechanisms to ensure the realization of human rights, democracy and development, as well as the existence of a representative, transparent and accountable Government.

8. Recalling that no Government could claim to be perfect, he invited delegations to oppose the manipulation of human rights and existing protection mechanisms. Delegations should maintain the dignity, credibility and legitimacy of those mechanisms by voting against the draft resolution. The Islamic Republic of Iran had requested a recorded vote on the draft resolution.

9. **Mr. Ja'afari** (Syrian Arab Republic), speaking on behalf of the States members of the Organization of the Islamic Conference, explained that he opposed the practice of introducing country-specific resolutions that selectively targeted developing and Muslim countries for political reasons. That practice led to the extreme politicization of the work of human rights bodies and in no way served the stated cause.

10. The situation of human rights in the Islamic Republic of Iran did not justify the introduction of a draft resolution targeting that country in particular, given that it had always been prepared to engage in dialogue and cooperation in order to promote human rights. It was also regrettable to note the selectivity shown by the sponsors of the draft resolution under consideration, despite such goodwill and the positive developments that had occurred in the Islamic Republic of Iran. All States should therefore agree to oppose the draft resolution.

11. **Mr. Hassan** (Sudan) said that the draft resolution targeted the Islamic Republic of Iran in a selective manner. The Human Rights Council was the competent body to address such issues and should play its role in a strictly neutral, impartial and non-selective manner through dialogue with the countries concerned. The politicization of human rights was counterproductive and only heightened tensions. In keeping with its position of principle, the Sudan would vote against the draft resolution.

12. **Ms. Pérez Álvarez** (Cuba), speaking in explanation of vote before the voting, said that her country was strongly opposed to country-specific draft resolutions designed to single out certain countries of the South for political reasons unrelated to the protection of human rights. The harmful practice of selectivity, double standards and politicization in the

monitoring of human rights was responsible for discrediting the Commission on Human Rights, which had led to its demise. The only way to promote and defend human rights effectively was to promote genuine international cooperation based on the principles of objectivity, impartiality and non-selectivity. The Human Rights Council, thanks in particular to its universal periodic review mechanism, was able to study the situation of human rights in all countries on an equal footing and as part of a constructive dialogue. Since the draft resolution under consideration was politically motivated and sought to put pressure on the Islamic Republic of Iran, Cuba would vote against it.

13. **Mr. Beck** (Solomon Islands), speaking in explanation of vote before the voting, said that his country remained loyal to the principles contained in General Assembly resolution 60/251. His delegation believed that the Human Rights Council was the appropriate body to address the issue under consideration and that the universal periodic review mechanism should receive unanimous support. Country-specific resolutions adopted by bodies outside Geneva were divisive and counterproductive. It was important to accord human rights issues the importance that they deserved, to end the "naming and shaming" of certain countries, and to abandon confrontation in favour of genuine dialogue and cooperation. It was also important to maintain the impartiality of the Human Rights Council. The Solomon Islands, which rejected selectivity, double standards and the politicization of human rights, would therefore abstain from voting on the draft resolution.

14. **Mr. Ja'afari** (Syrian Arab Republic) reiterated his country's position of principle against any interference in the domestic affairs of a State on the pretext of defending human rights. The principle of the sovereign equality of all Member States was clearly articulated in the Charter of the United Nations. Understanding and an objective dialogue based on mutual respect for national sovereignty and territorial integrity, as well as non-selectivity and transparency, would bridge the gap between divergent opinions, strengthen cooperation and ensure the universal enjoyment of human rights and fundamental freedoms, while drawing the requisite attention to national, regional and cultural specificities. Human rights issues should be considered by the appropriate body — the Human Rights Council — and not by the Third Committee. In that connection, the Islamic Republic of Iran had recently submitted to the Human Rights Council its universal periodic review report, an instrument which Member States had endorsed upon the creation of the Council.

15. The persistent submission of country-specific draft resolutions on human rights for political reasons that were known to all undermined the credibility of international organizations and human rights instruments. That was particularly true in the current case, where Israel had joined the sponsors of a draft resolution on human rights at a time when a draft resolution on the Goldstone report — which had noted serious violations of the fundamental rights of the Palestinian people committed by Israel during its aggression against Gaza — had just been adopted. Human rights issues must be considered in a spirit of encouragement, understanding and dialogue, without any State being defamed for reasons unrelated to the protection of human rights. The Syrian Arab Republic urged other delegations to oppose such texts, which reflected double standards in the consideration of human rights issues. It would vote against the draft resolution.

16. **Mr. Abubaker** (Libyan Arab Jamahiriya) said that he regretted the insistence of some States on introducing politically motivated country-specific draft resolutions on the pretext of defending human rights when they themselves applied policies that were contrary to international human rights law. The Libyan Arab Jamahiriya opposed that practice and the use of the Third Committee for political purposes that were contrary to the sovereignty of States, particularly given that the Human Rights Council had been established to consider all matters relating to the promotion and protection of human rights. Stressing the importance of non-interference in the internal affairs of States, he said that the Libyan Arab Jamahiriya would vote against the draft resolution. However, that vote should not be interpreted as support for human rights violations anywhere in the world.

17. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that her country strongly opposed the practice whereby some Member States continued to censure certain States selectively on the pretext of their human rights records. Country-specific draft resolutions served specific political interests and maintained a strategic confrontation, which was undesirable. The Governments of the draft resolution's sponsors had themselves committed human rights

violations, yet they had not been subject to such resolutions. The Human Rights Council had been established to examine such cases and the universal periodic review guaranteed an impartial, objective and non-selective study of the human rights situation in every country. Furthermore, any measure adopted by the United Nations to promote and defend human rights should be based on international cooperation and dialogue among States. For all those reasons, the Bolivarian Republic of Venezuela would vote against the draft resolution and urged all delegations to follow suit in order to prevent the manipulation of human rights, which undermined efforts to promote such rights.

18. *A recorded vote was taken on the draft resolution as a whole.*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Saudi Arabia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, China, Comoros, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Guinea, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Senegal, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, Tuvalu, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Colombia, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Gambia, Georgia, Ghana, Grenada, Guatemala, Guyana, Haiti, Jamaica, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Malawi, Mali, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Paraguay, Philippines, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sierra Leone, Singapore, Solomon Islands, South Africa, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Uganda, United Republic of Tanzania, Uruguay, Zambia.

19. *Draft resolution A/C.3/64/L.37 was adopted by 74 votes to 48, with 59 abstentions.*

20. **Mr. Perez** (Brazil), noting that his country had abstained, encouraged the Islamic Republic of Iran to cooperate with the Human Rights Council and the other United Nations entities responsible for the protection and promotion of human rights. In that regard, the Human Rights Council should seek to create an atmosphere conducive to constructive dialogue and cooperation in order to improve the human rights situation around the globe. Certain aspects of the human rights situation in the Islamic Republic of Iran that had been raised in the Secretary-General's report on the issue (A/64/357) remained a source of concern, including the rights of minorities, particularly those of the Baha'i community. While it had made some progress on social, economic and cultural rights, the Islamic Republic of Iran must do more to promote the rights of women, strengthen freedom of speech and protect students, journalists, human rights defenders and local embassy staff from arbitrary detention and persecution. A constructive dialogue on the issue could take place when the Iranian Government submitted its universal periodic review report.

21. **Mr. Yahiaoui** (Algeria) said that his delegation traditionally voted against country-specific draft resolutions because they were based on selectivity and politicization and maintained a climate of confrontation that was detrimental to the cause of human rights. In Algeria's view, the universal periodic review was the appropriate mechanism to examine the human rights situation in all countries without exception; only cooperation based on sincere dialogue would foster human rights protection. Accordingly, that mechanism must aim to help States achieve better results in human rights promotion and protection.

22. **Ms. Taracena Secaira** (Guatemala) said that respect for human rights, in particular the provisions of the relevant international instruments, was one of the pillars of her country's foreign policy. In that context, Guatemala was concerned by the setbacks in the area of civil and political rights mentioned in the Secretary-General's report on the situation of human rights in the Islamic Republic of Iran (A/64/357). Nevertheless, her delegation had noted the information conveyed by the Iranian authorities, particularly the fact that their country would participate in the universal periodic review. For those reasons, Guatemala had abstained from the vote on the draft resolution and would await the outcome of the universal periodic review before taking a position.

23. **Ms. Velichko** (Belarus) explained that her country had voted against draft resolutions A/C.3/64/L.35, L.36* and L.37 because it considered that country-specific draft resolutions, which Belarus had itself been subject to, were contrary to the principles of objectivity and non-selectivity that should govern the consideration of human rights issues. Through the universal periodic review, the United Nations was able to analyse the human rights situation in all countries effectively while fostering dialogue, and to encourage Governments to strengthen national mechanisms and adopt a responsible attitude. Human rights promotion must be based on equitable constructive dialogue, not on selective draft resolutions that sowed discord.

24. **Mr. Ahmed** (Bangladesh), explaining his country's position on the draft resolution, said that he was disturbed by the information that indicated a deterioration in the human rights situation in the Islamic Republic of Iran, particularly regarding the detention of members of the opposition following the presidential elections of 12 June 2009. Bangladesh encouraged the Islamic Republic of Iran to meet its human rights obligations. In that regard, it was more effective to seek to improve respect for human rights by maintaining dialogue with the countries concerned than by adopting resolutions that targeted them. Bangladesh had therefore been compelled to vote against the draft resolution. Its vote should not, however, be taken as a show of support for the conduct of the Islamic Republic of Iran in the area of human rights.

25. **Mr. Okuda** (Japan) explained that his country had voted in favour of the draft resolution because it was necessary to continue improving the human rights situation in the Islamic Republic of Iran. He shared the concerns expressed in the draft resolution regarding restrictions on the media and the legal proceedings brought against employees of foreign embassies after the presidential elections of June 2009.

26. Several years earlier, the Iranian and Japanese Governments had opened a bilateral dialogue on human rights in which the Islamic Republic of Iran participated actively. The Iranian Government had even proposed projects for cooperation, including on judicial reform. Japan commended that country's willingness to adopt an approach based on cooperation and to move forward. He also welcomed its ratification in 2008 of the Convention of the Rights of Persons with Disabilities. For those reasons, Japan had not sponsored the draft resolution. It would actively pursue the dialogue and cooperation undertaken with the Islamic Republic of Iran in order to ensure that human rights were more fully respected there.

27. **Mr. Gatan** (Philippines) explained that his country had abstained during the votes on draft resolutions A/C.3/64/L.35, L.36* and L.37. Recalling the position adopted by the Heads of State of the non-aligned countries at the summit meeting held in Egypt in July 2009, he invited the General Assembly to evaluate how effective country-specific resolutions had actually been in encouraging the Governments concerned to improve their human rights records. Through the establishment of the Human Rights Council and the universal periodic review, the General Assembly had shown that there were better ways of addressing human rights issues. The Philippines therefore urged the Assembly to continue along that path and to eschew country-specific resolutions in favour of a constructive approach based on dialogue and the provision of assistance.

28. **Mr. Khane** (Secretary of the Committee) pointed out to the representative of the Philippines that his statement should have pertained only to the draft resolution that had just been adopted.

29. **Mr. Gatan** (Philippines) expressed surprise that the Secretary had not made the same remark to the representative of Belarus.

30. **Mr. Khazaee** (Islamic Republic of Iran), thanking the delegations that had voted against the draft resolution or had abstained from the vote, welcomed the fact that the majority of Member States had not supported the resolution and noted that measures must be taken to prevent the misuse of the United Nations by certain countries.

Agenda item 61: Social development (*continued*)

(a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*) (A/C.3/64/L.9/Rev.1)

Draft resolution A/C.3/64/L.9/Rev.1: Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly

31. **The Chairperson** said that the draft resolution did not have any programme budget implications.

32. **Mr. Hassan** (Sudan), introducing the draft resolution on behalf of its sponsors, which had been joined by Belgium, Montenegro, Portugal, Sweden, Switzerland and the former Yugoslav Republic of Macedonia, pointed out that the text focused on the main areas of action set out at the World Summit for Social Development. The draft resolution, which would ensure an ongoing global dialogue and a continued commitment to social development, provided a general framework to promote social development for all at the national and international levels. It also called for a study of the impact of various crises on social development. The sponsors hoped that the draft resolution would be adopted by consensus.

33. **Mr. Khane** (Secretary of the Committee) announced that Albania, Andorra, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland had also become sponsors.

34. *Draft resolution A/C.3/64/L.9/Rev.1 was adopted without a vote.*

35. **Mr. Sammis** (United States of America) said that, while he welcomed the adoption by consensus of the draft resolution, he regretted that it did not contain a more balanced analysis of the impact of external as well as internal factors on sustainable development. While external factors, such as crises or oil shocks, could affect countries' socio-economic development, the national policies applied by their Governments had the most decisive impact.

(b) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/C.3/64/L.8/Rev.1)

Draft resolution A/C.3/64/L.8/Rev.1: Proclamation of 2010 as International Year of Youth: Dialogue and Mutual Understanding

36. **The Chairperson** informed the Committee that the draft resolution contained no programme budget implications.

37. **Mr. Hassan** (Sudan) noted that Mexico, the Russian Federation and Turkey had joined the sponsors of the draft resolution, which reaffirmed the commitment of countries to young people and helped to foster dialogue and mutual understanding on issues of relevance to them. The sponsors hoped that the draft resolution would be adopted by consensus.

38. **Mr. Khane** (Secretary of the Committee) announced that Belarus had joined the list of sponsors.

39. **Ms. Park** Enna (Republic of Korea), seeking clarification on a procedural issue, asked whether there were any guidelines for the proclamation of international days and, if so, what the main elements were. She also wished to know whether the draft resolution under consideration complied with the guidelines, if any, and, if not, whether the Third Committee had the competence to disregard them.

40. **Mr. Khane** (Secretary of the Committee) said that guidelines had indeed been adopted by the Economic and Social Council and then by the General

Assembly in its resolution 35/424. Referring to paragraphs 7 and 11 of that text, he said that those guidelines were not mandatory. Hence, the adoption of the draft resolution would not be in violation of the guidelines. However, it must also be acknowledged that such action would not be in keeping with the spirit of those guidelines.

41. **Mr. Jomaa** (Tunisia) pointed out that Tunisia had already provided a similar explanation when the issue had been raised during informal consultations. Member States were striving to comply with the guidelines, particularly with regard to paragraphs 7 and 16. However, it was ultimately their responsibility to make the final decision, given the urgency and specificities of the situation. He was convinced that the draft resolution complied with the guidelines, given the many examples of international years that had been proclaimed in the six months prior to their commencement.

42. *Draft resolution A/C.3/64/L.8/Rev.1 was adopted without a vote.*

43. **Ms. Park** Enna (Republic of Korea) said that her country was firmly committed to youth development and to disseminating the ideals of peace and respect for human rights and fundamental freedoms. Her delegation therefore supported the spirit of the draft resolution. However, holding the International Year in 2010 would leave very little time to define its objectives, make the necessary preparations or mobilize youth and youth movements, whose participation was vital. The Republic of Korea regretted the fact that its proposal to hold the International Year in 2012 had not been adopted. Despite its disappointment, the Republic of Korea had joined the consensus and would do its utmost to ensure that the initiative was productive. It was also very important that the world conference to be held under the auspices of the United Nations should be a genuine success. The modalities for organizing the conference should therefore be determined following open and transparent consultations among Member States. It should be noted that the conference did not necessarily need to be held before the end of the International Year.

44. **Mr. Michelsen** (Norway) explained the position of the following countries after the vote: Andorra, Belgium, Bulgaria, Denmark, Czech Republic, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America. Youth development and the active participation of young people in activities and decisions concerning them were long-standing priorities of all those States. While Norway was supporting the consensus, it wanted to draw the attention of the Third Committee to General Assembly resolution 61/185, which recalled the guidelines for future international years and stressed the need to respect the criteria and procedures contained therein. However, in the current case, the provisions of paragraph 11 of those guidelines had not been respected. As the International Year was commencing in 2010, there might be insufficient time for preparatory work at both the national and the international levels. Moreover, youth movements had not been duly consulted, which was at odds with the desire for dialogue and mutual understanding that should be the hallmark of the International Year. Norway trusted that the President of the General Assembly would take into account the need to consult youth movements when organizing informal consultations on the world conference.

45. **Mr. Jomaa** (Tunisia) expressed his appreciation to countries for their contributions and extended his thanks to all delegations for their constructive spirit, which had allowed the adoption of the draft resolution by consensus. Given that the text was the product of lengthy and numerous consultations conducted in an open and transparent manner, it was regrettable that some delegations had chosen to raise procedural issues. The draft resolution took into account the importance that States attached to youth, to raising their awareness about issues of concern to them and to promoting dialogue and mutual understanding in order to better secure the shared values of tolerance, peace and freedom. Tunisia urged all Member States to help achieve the noble goals set for the International Year of Youth, to place youth once again at the centre of the international community's priorities and to mobilize youth to make the International Year a success.

46. **The Chairperson** suggested that the Third Committee should take note, in accordance with General Assembly decision 55/488, of the document entitled "World Social Situation 2009: Overview" (A/64/158 and Corr. 1).

47. *It was so decided.*

Agenda item 64: Report of the Human Rights Council *(continued)* (A/C.3/64/L.50)

Draft resolution A/C.3/64/L.50, Guidelines for the Alternative Care of Children

48. **The Chairperson** said that the draft resolution contained no programme budget implications.

49. **Mr. Khane** (Secretary of the Committee) announced that the following countries had joined the list of sponsors: Albania, Austria, Azerbaijan, Belarus, Benin, Comoros, Dominican Republic, Egypt, Honduras, Italy, Netherlands, Peru, Portugal, Republic of Moldova, Switzerland and Turkey.

50. **Mr. Perez** (Brazil) noted that the following countries had joined in sponsoring the draft resolution since its introduction: Angola, Bolivia (Plurinational State of), Colombia, Costa Rica, Finland, Philippines, Seychelles and Venezuela (Bolivarian Republic of). He read out an amendment to the end of paragraph 1 that had been requested by several delegations, which consisted of replacing the words "for policy and practice" by "to help inform policy and practice". In its resolution 11/7, the Human Rights Council had adopted by consensus the guidelines contained in the annex to the present draft resolution, and had decided to submit them to the General Assembly. According to the United Nations Study on Violence against Children, more than 8 million girls and boys around the world lived in institutional care. The guidelines were designed to promote the protection, development and well-being of children deprived of parental care in a stable and safe environment. By adopting the draft resolution, Member States would send a clear message of their commitment to promote the fundamental rights of the child. On the occasion of the twentieth anniversary of the Convention on the Rights of the Child, Brazil hoped that the draft resolution would be adopted by consensus.

51. **Mr. Khane** (Secretary of the Committee) announced that the following delegations had joined the list of sponsors of the draft resolution: Bosnia and Herzegovina, Cape Verde, El Salvador, Netherlands, Nicaragua, Serbia, Slovenia, Ukraine and United Republic of Tanzania.

52. **Ms. Edblom** (Sweden), speaking on behalf of the European Union, said that the twentieth anniversary of the Convention on the Rights of the Child should act as a catalyst for the implementation of that landmark instrument. The European Union was strongly committed to the full exercise of the rights of the child and hoped that the guidelines would contribute towards that goal. Even though Member States were not adopting the guidelines formally, they welcomed them, in the hope that their use in practice would lead to a real improvement in protecting the rights of those children deprived of parental care.

53. **Mr. Last** (United Kingdom), recalling the firm commitment of his country to promoting the rights of the child around the world, said that his country agreed with the purpose of the guidelines, which provided a non-binding tool to help inform States about the different forms of care available to children. While the United Kingdom supported the draft resolution and recognized that the Third Committee was not adopting the guidelines, it nevertheless had some concerns. With regard to paragraph 35, it did not seem possible to guarantee that pregnant teenagers would not interrupt their studies. Moreover, teenage parents could not be coerced to continue their studies, because it was up to each individual to decide. Concerning paragraph 47, it should be borne in mind that certain offences were so serious that they justified a custodial sentence; and it was not always in the best interests of the child to remain with a delinquent parent. With respect to paragraph 68, it was not an acceptable form of alternative child care to accord quasi-parental rights to any person who happened to take care of a child without an enquiry or a court decision. Under English law, parental responsibility could only be acquired by operation of law or by court order. Furthermore, the wording of paragraph 80 did not reflect British and European legislation on data protection. Finally, with regard to paragraph 110, record sharing needed to respect the right to privacy of all those to whom the records related. The rights of children could not supersede those of adults.

54. **Mr. Sammis** (United States of America) said that his country was determined to protect the well-being and rights of children worldwide and welcomed the spirit of the guidelines, which offered useful policy orientations. However, his country was concerned by their overly broad scope and wished to point out that the guidelines were not binding on States. Instead, they contained recommendations which States could use to develop policies for children deprived of parental care.

55. **Ms. Horsington** (Australia) said that her country agreed with the principles of the guidelines, which took

into account the obligations arising from the Convention on the Rights of the Child. Furthermore, the measures taken by Australia to provide alternative care for children deprived of parental care reflected the spirit of the guidelines. Australia had recently established a national framework for the protection of children, while the federal Government was working to develop new standards to reflect best practice across the country and to ensure that each child or young person at risk had an appropriate level of care and protection. She noted, however, that the guidelines were not yet enforceable in Australia.

56. **Ms. Sunderland** (Canada) said that her delegation was pleased to join the consensus on the draft resolution on the occasion of the twentieth anniversary of the Convention on the Rights of the Child. Having commended the work of all those who had helped to develop the guidelines, she recalled that they were a practical tool for States and should not become binding.

57. *Draft resolution A/C.3/64/L.50, as orally revised, was adopted without a vote.*

Agenda item 65: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/64/L.21/Rev.1)

Draft resolution A/C.3/64/L.21/Rev.1

58. **The Chairperson** noted that the draft resolution did not have any programme budget implications.

59. **Ms. Edblom** (Sweden) said that she was pleased to be presenting the draft resolution on behalf of the European Union, the Group of Latin American and Caribbean States and all the other sponsors, on the occasion of the twentieth anniversary of the Convention on the Rights of the Child. She noted that Burkina Faso, Canada, Egypt, Guinea, Lebanon, Lesotho, Maldives, Mali, Morocco, San Marino, Seychelles, Swaziland, Turkmenistan and Zimbabwe had joined the list of sponsors of the resolution. As a result of the support and collaborative spirit shown by all concerned, one of the Convention's principles, a child's right to be heard, was duly addressed in section III of the draft resolution, which contained a series of measures aiming to guarantee the exercise of that right. The draft resolution also highlighted the recent progress that had been made with regard to the protection and promotion of the rights of the child, something from which the Third Committee could draw inspiration for its work in the future, including during the forthcoming session of the General Assembly when it would be examining the implementation of the rights of the child during early childhood. Sweden hoped that the draft resolution would be adopted by consensus.

60. **Mr. Khane** (Secretary of the Committee) announced that Bangladesh, the Central African Republic, the Comoros, Equatorial Guinea, Guinea-Bissau, the Republic of Korea, the Russian Federation, Sri Lanka, Uganda and Vanuatu had joined the list of sponsors of the draft resolution.

61. **Mr. Sammis** (United States of America) spoke about the various steps that his country had taken relating to the issues addressed in the resolution, such as the adoption of a law in 2008 to protect victims of trafficking and one in 2009 on children's health insurance, as well as the creation of ombudsman offices in several States. He highlighted the important role of the United Nations Children's Fund (UNICEF), with which the United States worked closely, as well as with the Office of the High Commissioner for Refugees and the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to promote the rights of children. The rights of girls in particular warranted special attention. The United States had joined the consensus on the draft resolution, on the understanding that the text in no way implied that States must comply with instruments to which they were not a party, or that they should implement the obligations under those instruments. In that regard, his country would pursue its consultations on the provisions of the second preambular paragraph and paragraph 2 of the draft. On the occasion of the twentieth anniversary of the Convention on the Rights of the Child, the United States recalled that while it had not ratified that instrument, it was nonetheless a party to the Convention's Optional Protocols and was making every effort to ensure that the rights of children were fully realized.

62. *Draft resolution A/C.3/64/L.21/Rev.1 was adopted without a vote.*

63. **Ms. Halabi** (Syrian Arab Republic) welcomed the adoption of the draft resolution by consensus for the first time. She stressed that for her country, the section on children affected by armed conflict fully

applied to the situation of children suffering as a result of foreign occupation. As in the previous year, the Syrian Arab Republic reserved the right to interpret certain paragraphs in accordance with its own legislation.

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/64/L.38/Rev.1 and L.49)

Draft resolution A/C.3/64/L.38/Rev.1

64. **The Chairperson** noted that the draft resolution did not have any programme budget implications.

65. **Ms. Tvedt** (Norway) expressed the hope that the draft resolution, which had been the subject of many consultations, would be adopted by consensus. There had been an amendment to paragraph 9, with the phrase "so as to enable the Special Rapporteur to fulfil her/his mandate even more effectively" being added at the end. She noted that Belgium, Colombia, Ecuador, Israel, Liechtenstein, Nigeria, Thailand, Timor-Leste, Turkey and Ukraine had been added to the list of sponsors of the draft resolution.

66. **Mr. Khane** (Secretary of the Committee) announced that the Central African Republic, Equatorial Guinea, Georgia, Haiti, Mali, Malta and Senegal had been added to the list of sponsors of the resolution, as orally revised.

67. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) noted that if there had been a recorded vote on the draft resolution, his country would have abstained.

68. *Draft resolution A/C.3/64/L.38/Rev.1, as orally revised, was adopted without a vote.*

69. **Ms. Halabi** (Syrian Arab Republic) said that her country had joined the consensus on the draft resolution but regretted the fact that some of the sponsors had refused to include any reference to the worrying situation of human rights defenders in the Occupied Territories, even though they were exposed to grave dangers and were victims of atrocities. Acts committed against human rights defenders were a breach of international law. The Syrian Arab Republic considered that all paragraphs of the draft resolution applied to the situation of human rights defenders in the Occupied Territories.

70. In addition to conferring rights upon non-governmental organizations, the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms also imposed duties and responsibilities on them. With regard to article 20 of the Declaration, the Syrian Arab Republic considered that it reaffirmed the importance of the independence and sovereignty of peoples and the principle of non-interference in order to promote dialogue and respect for rights.

71. **Ms. Khvan** (Russian Federation) said that the Russian authorities attached the utmost importance to the actions of human rights defenders, whose contribution to social development was undeniable, and commended Norway for the constructive and transparent approach that it had adopted during the consultations on the draft resolution.

72. However, the fundamental position of the group of sponsors, who had refused to include a reference to the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council in the text, was, to say the least, a cause for confusion and regret. The Russian Federation trusted that it did not mean the sponsors had revised their position on that extremely important document.

73. The Russian Federation considered that the rights and obligations in the seventh preambular paragraph applied directly to individuals and civil society organizations working to defend human rights. As for the reference in the second preambular paragraph to all previous General Assembly resolutions on the subject, in particular resolution 62/152, her delegation interpreted that as a confirmation of States' vision and understanding of the content of the Declaration and it saw the draft resolution in that light.

74. The Russian Federation did not wish to call into question the consensus that had been reached after numerous lengthy consultations. However, in future the sponsors should act in a more objective manner, refrain from any wide-ranging or arbitrary interpretations and not attempt to impose their views about the content of the Declaration.

75. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) explained that the Venezuelan Office of the Ombudsman was part of the national authorities and worked closely with civil society. While her delegation had joined the consensus on the draft resolution, it did not believe that the text was balanced or faithful to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. A draft resolution referring to that Declaration should cover all violations of the rights of human rights defenders and aim to protect those rights in all circumstances. The Bolivarian Republic of Venezuela lamented the selective approach of the sponsors, who had strongly opposed the inclusion of examples of the violations suffered by human rights defenders in certain situations, particularly in cases of foreign occupation or domination, or when the democratic and constitutional order of a State had broken down.

76. The rights and responsibilities of civil society organizations, and non-governmental organizations in particular, should have been addressed in more detail. It was unfortunate that the sponsors had stubbornly refused to recognize the responsibilities of those groups, even though they were highlighted in article 18 of the Declaration. Since the work of all civil society actors in the area of human rights must be impartial, independent and without political motivations or special interests, the Bolivarian Republic of Venezuela stressed that non-governmental organizations should also be required to fulfil their rights and responsibilities towards the international community, because, in many countries, those organizations were used by foreign Governments to promote their own political interests and to destabilize the incumbent Government.

77. The provisions of the draft resolution would be implemented in accordance with Venezuelan legislation.

78. **Ms. Pérez Álvarez** (Cuba) said that her delegation had joined the consensus on the draft resolution but lamented the sponsors' refusal to include references to the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, which had however been adopted by consensus by the Council in its resolution 5/2 and endorsed by the General Assembly. Noting that a significant number of countries of the South had requested the inclusion of a reference to that Code of Conduct, she trusted that the draft resolution would include such a reference in the future.

Draft resolution A/C.3/64/L.49: Human rights and cultural diversity

79. **The Chairperson** announced that action on draft resolution A/C.3/64/L.49 would be postponed.

The meeting rose at 1 p.m.

United Nations A/C.3/64/SR.46

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Summary record of the 46th meeting
Held at Headquarters, New York, on Monday, 23 November 2009, at 10 a.m.

Chairperson: Mr. Penke ..... (Latvia)

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The meeting was called to order at 10.20 a.m.

Agenda item 41: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)
(A/C.3/64/L.59/Rev.1)

Draft resolution A/C.3/64/L.59/Rev.1: Assistance to refugees, returnees and displaced persons in Africa

1. **The Chairperson** said that the draft resolution had no programme budget implications.

2. **Ms. Sulimani** (Sierra Leone), speaking on behalf of the Group of African States and other sponsors of the draft resolution, said that the current text resembled the one from the previous year and expressed the hope that it, too, would be adopted by consensus. The main changes, which concerned the fourth and sixth preambular paragraphs and paragraphs 2, 3, 7 and 14, had been adopted by consensus by the delegations concerned after two rounds of negotiations. She was particularly pleased with the inclusion of a paragraph welcoming the recently adopted African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

3. **Mr. Khane** (Secretary of the Committee) said that Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Costa Rica, Croatia, the Czech Republic, France, Honduras, Hungary, Iceland, Italy, Lithuania, Mexico, the former Yugoslav Republic of Macedonia and the United States of America had joined the sponsors of the draft resolution.

4. *Draft resolution A/C.3/64/L.59/Rev.1 was adopted without a vote.*

5. **The Chairperson** said that the Committee had concluded its consideration of agenda item 41.

Agenda item 64: Report of the Human Rights Council (*continued*) (A/C.3/64/L.61 and L.63)

Draft resolution A/C.3/64/L.61: Report of the Human Rights Council

6. **Mr. Khane** (Secretary of the Committee) said that draft resolution A/C.3/64/L.61, which was actually a draft decision, had been reissued for technical reasons.

7. **The Chairperson** said that the draft resolution had no programme budget implications.

8. **Ms. Kondolo** (Zambia), speaking on behalf of the Group of African States, said that the establishment of the Human Rights Council had been an important step for the protection of human rights. She noted that the draft resolution was identical to the one adopted by the General Assembly the previous year, and expressed the hope that it would be adopted by consensus.

9. **The Chairperson** said that the Russian Federation had joined the sponsors of the draft resolution.

10. *Draft resolution A/C.3/64/L.61 was adopted without a vote.*

11. **Mr. Attiya** (Egypt) said that his delegation aligned itself with the statement made by the representative of Zambia. He pointed out, however, that the report of the Council on the work of its twelfth session had not yet been issued and thus could not be considered. The report addressed issues that were important for the Egyptian delegation, such as the work of the Working Group on the Right to Development and the relevant resolutions adopted by the Human Rights Council on the right to development. It also contained a resolution on freedom of opinion and expression, a joint initiative of the United States of America and Egypt. He hoped that the difficulties which had prevented the consideration of those issues would be resolved in the future so that the Committee would not have to adopt ad hoc solutions and consider the report of the Council a year late.

12. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that his delegation rejected the section of the Human Rights Council's report pertaining to the situation in the Democratic People's Republic of Korea, due to its lack of objectivity.

13. **Ms. Shahar Ben-Ami** (Israel) said that her delegation was becoming increasingly concerned about the methods used by the Human Rights Council, but had decided to join the consensus in the hope that the Council would be able to change its modus operandi. Her country denounced the application of double standards and reserved judgement on the Council's recommendations.

14. **Ms. Schlyter** (Sweden), speaking on behalf of the European Union, said that the report of the Human Rights Council, which was of interest to all Member

States, should have been considered by the General Assembly.

Draft resolution A/C.3/64/L.63: Office of the President of the Human Rights Council

15. **The Chairperson** said that the draft resolution had no programme budget implications.

16. **Mr. Khane** (Secretary of the Committee) said that Argentina, Jordan, Liechtenstein, New Zealand, Nigeria, Romania and Somalia had joined the sponsors of the draft resolution.

17. **Ms. Kohli** (Switzerland) said that the draft resolution was a compromise text because it retained the recommendation to establish an Office of the President of the Human Rights Council, while leaving time to define its modalities. She regretted that the initiative had not received broader support but reaffirmed that the issue should be addressed in the context of the review of the Human Rights Council's work and functioning. She trusted that the text would be adopted by consensus.

18. **Mr. Khane** (Secretary of the Committee) said that Algeria, Azerbaijan, Benin, Brazil, Cape Verde, Chile, Turkey and Uruguay had joined the sponsors of the draft resolution.

19. *Draft resolution A/C.3/64/L.63 was adopted without a vote.*

20. **The Chairperson** said that the Committee had completed its consideration of agenda item 64.

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/64/L.55)

Draft decision A/C.3/64/L.55: Adoption of the outcome document of the Durban Review Conference

21. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors. He read out the changes made to the text by the main sponsor, the Sudan, during the introduction of the draft: in paragraph (b), the words "the provisions of" should be deleted.

22. **The Chairperson** said that the draft decision had no programme budget implications.

23. **Ms. Abdelrahman** (Sudan), speaking on behalf of the Group of 77 and China, proposed that paragraph (a) should be deleted and that paragraphs (b) and (c) should become paragraphs 1 and 2, respectively.

24. **Ms. Shahar Ben-Ami** (Israel) said that the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had been the worst manifestation of anti-Semitism in modern history. Israel had hoped that the Durban Review Conference would rectify the errors made at the 2001 Conference, but that had not been the case. Israel was firmly committed to combating racism, but refused to support a process which demonstrated an obsession with the Middle East. The Israeli delegation requested a vote on the draft decision and would vote against it.

25. *The meeting was suspended at 10.55 a.m. and resumed at 11 a.m.*

26. *A recorded vote was taken on draft decision A/C.3/64/L.55, as orally revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique,

Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Netherlands, United States of America.

Abstaining:

Czech Republic, Georgia, Germany, Italy, New Zealand, Poland, Republic of Moldova, Romania, Tonga.

27. *Draft decision A/C.3/64/L.55, as orally revised, was adopted by 163 votes to 5, with 9 abstentions.*

28. **Mr. Preston** (United Kingdom) said that his delegation had voted in favour of the draft decision, but wished nonetheless to recall the interpretative statement made by the representative of the United Kingdom at the Durban Review Conference concerning freedom of expression, resourcing implementation of the provisions of the Conference outcome document and the United Nations Declaration on the Rights of Indigenous Peoples.

29. **Ms. Boutin** (Canada) said that while Canada was deeply involved in national and international efforts to combat racism and supported most of the strategies laid out in the Durban Declaration and Programme of Action adopted in 2001, it continued to reject the politicization of certain parts of those documents, especially those which referred directly or indirectly to the Middle East. As the outcome document of the Durban Review Conference was worded in such a way as to reaffirm the provisions of the Durban Declaration and Programme of Action in their entirety, Canada, which had refused on principle to participate in that Conference, had been compelled to vote against the draft decision.

30. **Ms. Samson** (Netherlands) said that the Netherlands, which had not taken part in the Durban Review Conference, had deemed it necessary to vote against the draft decision because, despite the considerable efforts made by a number of participants, the outcome document did not meet its expectations. Moreover, aware that many people worldwide continued to suffer from discrimination, the Netherlands had undertaken to step up its efforts to combat racism and other forms of intolerance and discrimination at the national and international levels and to take concrete measures to follow up on the Durban Conference of 2001. The Government of the Netherlands had therefore developed a national action plan against racism and had set up anti-discrimination boards nationwide. Moreover, it would hold consultations with the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights, whose work it commended, with a view to exploring concrete cooperation with the Unit in combating racism, racial discrimination, xenophobia and related intolerance.

31. **Ms. Richardson** (New Zealand) said that New Zealand, as a multiracial country, attached the greatest importance to efforts to combat racism and related intolerance. However, it had declined to participate in the Durban Review Conference, fearing that the event would be characterized by unproductive debate. Indeed, abhorrent anti-Israel opinions had been expressed there and had hampered efforts to concentrate on genuine anti-racism initiatives, and they were especially regrettable given that they had been made at the commencement of a gathering whose purpose had been precisely to combat intolerance. The delegation of New Zealand had therefore abstained from voting on the draft decision, but nonetheless did not oppose the spirit of the Review Conference outcome document, and would consider each future draft resolution based on its respective merits in the area of combating racism and intolerance.

Agenda item 69: Promotion and protection of human rights *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/64/L.26/Rev.1, L.39/Rev.1, L.43 and L.43/Rev.1)

Draft resolution A/C.3/64/L.26/Rev.1: Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization

32. **The Chairperson** said that the draft resolution had no programme budget implications.

33. **Ms. Phipps** (United States of America) introduced draft resolution A/C.3/64/L.26/Rev.1 on behalf of the sponsors, which had been joined by the Netherlands, Slovenia and Sweden. For the first time in many years, the traditional sponsors of the draft resolution had held consultations open to all Member States. As a result of that process, many changes had been made to the draft, including the addition of five preambular paragraphs and an operative paragraph. Three of the new preambular paragraphs reflected the content of the paragraph on democracy in the 2005 World Summit Outcome, and the other two reinforced the idea that countries themselves were responsible for their electoral processes and that electoral assistance was provided only at the specific request of the Member State concerned. The new operative paragraph reaffirmed that the assistance provided by the United Nations was objective, impartial, neutral and independent. In addition, several other changes had been made to the draft at the suggestion of the delegations which had participated in the consultations; they concerned, in particular, references to sustainable and cost-effective technologies, coordination challenges posed by the multiplicity of actors involved in electoral assistance and States' evolving electoral needs and legislation. In that respect, the sponsors of the draft resolution acknowledged the aim of harmonizing the many methods of providing electoral assistance used by different organizations and expressed appreciation for the Declaration of Principles for International Election Observation and the related Code of Conduct drawn up by the secretariat of the Organization for Security and Cooperation in Europe, which were already being followed by several regional organizations in their observation missions. However, the sponsors had not wished to recommend their implementation at the current stage, as the principles had not been considered at the intergovernmental level, and thus had decided to mention them as optional guidelines only. The sponsors had also made three other changes to the revised text, in the hope that the draft resolution would be adopted by consensus: starting in the fourth line of the ninth preambular paragraph, the phrase "such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" should be deleted; in the third line of the thirteenth preambular paragraph, the words "in particular" should be deleted; and in the third line of the fifteenth preambular paragraph, the words "in requesting countries" had been inserted after the words "election processes".

34. **Mr. Khane** (Secretary of the Committee) said that Austria, Belgium, Cape Verde, Comoros, Cyprus, Democratic Republic of the Congo, Denmark, Equatorial Guinea, Finland, Germany, Greece, Iceland, Ireland, Israel, Lebanon, Lesotho, Lithuania, Madagascar, Mali, Malta, Namibia, Nigeria, Poland, Portugal, San Marino, Serbia, Slovakia, Spain, Sri Lanka, Thailand, Ukraine and Uruguay had become sponsors of the draft resolution.

35. **Mr. Lukiyantsev** (Russian Federation), recognizing that the holding of free, periodic elections was a fundamental condition for democracy, congratulated the sponsors of the draft upon their initiative and thanked them for taking into account the observations made by various delegations. However, contrary to what paragraph 8 of the draft resolution implied, the Declaration of Principles and the Code of Conduct had not been developed as part of an intergovernmental process, but by representatives of civil society. While his delegation supported the rest of the draft, it was opposed in principle to the idea of legitimizing, by a General Assembly resolution, a document developed by a non-governmental organization when that document had not been discussed at the intergovernmental level. His delegation therefore requested that the second part of paragraph 8, which began "and in this regard expresses appreciation", should be put to a vote in accordance with rule 129 of the General Assembly's rules of procedure. His delegation would vote against it.

36. **Mr. Khane** (Secretary of the Committee) said that, at the request of the Russian delegation, a recorded vote would be taken on the second part of

paragraph 8 of the draft resolution, which read, "and in this regard expresses appreciation for the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, which elaborate guidelines for international electoral observation".

37. **Mr. Attiya** (Egypt), speaking on a point of order, asked for clarification of the purpose of the vote, as he was unsure whether a vote in favour would be considered to support the Russian Federation's proposal, the current wording of paragraph 8 of the draft resolution or the adoption of the text in its entirety.

38. **Mr. Khane** (Secretary of the Committee) said that by invoking rule 129 of the General Assembly's rules of procedure, the Russian delegation had requested a vote on one part of the draft resolution. In the current case, it was a vote for or against the current wording of paragraph 8.

39. **Ms. Phipps** (United States of America) said that her delegation, as the main sponsor, evidently supported the draft resolution as a whole and would therefore vote in favour of retaining the second part of paragraph 8. She hoped that the 78 other sponsors of the draft resolution would do the same.

40. *A recorded vote was taken on the second part of paragraph 8 of the draft resolution.*

In favour:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Samoa, San Marino, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Spain, Suriname, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Belarus, Bolivia (Plurinational State of), Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Ecuador, Egypt, Iran (Islamic Republic of), Malaysia, Myanmar, Nicaragua, Russian Federation, Singapore, Sudan, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Algeria, Angola, Bahrain, Cameroon, Djibouti, Ethiopia, Gambia, Ghana, Jordan, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Mauritania, Mozambique, Oman, Pakistan, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, South Africa, Sri Lanka, Swaziland, Tunisia, United Arab Emirates, Uzbekistan.

41. *The second part of paragraph 8 of draft resolution A/C.3/64/L.26/Rev.1 was adopted by 121 votes to 19, with 28 abstentions.*

42. **Mr. Attiya** (Egypt) said it was his understanding that by taking a vote under rule 129 of the rules of procedure, the Committee had adopted the draft resolution as a whole.

43. **Mr. Khane** (Secretary of the Committee) recalled that voting in favour of one part of a draft resolution was not the same as adopting the entire resolution, but only the text in question.

44. **Ms. Phipps** (United States of America), speaking on a point of order, asked the Chairperson and the Secretary to confirm that when a vote taken under rule 129 of the General Assembly's rules of procedure resulted in the retention of the part of the draft voted upon, the text as a whole could be adopted without a vote.

45. **Mr. Khane** (Secretary of the Committee) confirmed that that was the case, unless, of course, a delegation specifically requested a vote.

46. **Mr. Attiya** (Egypt) said that since the vote which had just taken place did not concern the adoption of an amendment, but the retention of a part of the text submitted, rule 129 of the rules of procedure required that the draft resolution should be put to a vote.

47. **Mr. Khane** (Secretary of the Committee) explained that rule 129 of the rules of procedure provided that when a representative put forward a motion for division, meaning a request for a separate vote on part of a draft resolution, any delegation could object to that request. The motion for division would then be voted upon, and if carried, the rest of the draft would be put to the vote as a whole. In the current case, however, that provision did not apply, since there had been no objections to the motion for division. Unless a vote was specifically requested, the draft resolution could be adopted by consensus.

48. **Mr. Attiya** (Egypt) said that he did not understand how a rule could be implemented only partially. He believed that in the current case, the second part of rule 129 of the rules of procedure should apply, since the Committee had just voted on a motion for division. He asked the Secretary to read out the rule in question for clarification.

49. **Mr. Khane** (Secretary of the Committee) read out rule 129 of the General Assembly's rules of procedure.

50. **Mr. Lukiyantsev** (Russian Federation) said that he wished to clarify that his delegation had tried to formulate its comments on the second part of paragraph 8 of the draft resolution in such a way as to avoid taking a vote on the draft resolution as a whole, since his delegation was in favour of the text.

51. **Ms. Phipps** (United States of America) requested that, in light of the clarifications made by the Russian delegation, and if no one requested a vote, the draft resolution should be adopted without delay.

52. **Mr. Attiya** (Egypt) confirmed that the Egyptian delegation supported the draft resolution.

53. *Draft resolution A/C.3/64/L.26/Rev.1 was adopted without a vote.*

54. **Ms. Pérez Álvarez** (Cuba) said that her country did not associate itself with the consensus in relation to paragraph 8 because the Declaration of Principles for International Election Observation and the related Code of Conduct for International Election Observers mentioned in that paragraph had not been adopted following an intergovernmental discussion process. She added that international observation was not always necessary for ensuring that elections were free and fair and that it should be provided only at the request and with the consent of the States concerned. She also emphasized that the principles enshrined in the Charter of the United Nations, such as respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States and the right to self-determination, must be respected. Finally, she recalled that there was no single model of democracy in the world.

55. **Mr. Emadi** (Islamic Republic of Iran) said that his country had joined the consensus. He recalled the second and fourth preambular paragraphs of the draft resolution and said that the electoral assistance provided by the United Nations should not call into question the ability of local electoral institutions to organize fair elections. He reserved his country's position on paragraph 8 of the draft resolution, which mentioned the Declaration of Principles for International Election Observation.

56. **Mr. Attiya** (Egypt) said that his country, which opposed paragraph 8 of the draft resolution, had nonetheless joined the consensus on the text as a whole. He explained that Egypt was bound only by what the Heads of State and Government of the African Union had adopted, and not by what the secretariat of that organization had approved. He explained that, on principle, his country opposed texts which had not been subject to intergovernmental negotiations, as was the case of the Declaration of Principles for International Election Observation.

57. **Mr. El-Shakshuki** (Libyan Arab Jamahiriya) said that his country had joined the general consensus on the draft resolution. He reaffirmed that elections were not the only way to ensure democracy and that other mechanisms existed, such as direct choice of leaders, which was practised in his country.

58. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that she welcomed the thrust of the first and second preambular paragraphs of the draft resolution. She remarked that indirect or representative democracy was not the only model of democracy in the world and that other forms, such as participatory democracy, also existed. In Venezuela, for example, participatory democracy took the form of elections, popular consultations and constitutional referendums. She added that the organization of public elections was not enough to guarantee stable and genuinely democratic regimes. Poverty, marginalization, illiteracy

and low levels of human development were all obstacles to democracy. That meant that without social justice, there could be no true, genuine and stable democracy. The United Nations must take into account citizen participation, equality and social justice in any action it undertook in the area of democracy promotion. With respect to the electoral assistance provided by the United Nations, she pointed out that such assistance should be provided only at the request and with the consent of the States concerned, which had exclusive responsibility for organizing the elections. That meant that the principles of national sovereignty and non-interference, as well as national legislation, must be respected by all. It was up to national electoral authorities to coordinate the activities carried out by the multitude of actors that provided electoral assistance. While national or international election observation missions often served to reinforce confidence and calm, they were not always necessary. It was important that any electoral assistance requested by States should be provided with utmost respect for the principles of objectivity, impartiality, neutrality and independence. Finally, she expressed reservations about the tenth preambular paragraph of the draft resolution, which stressed the importance of media freedom. She claimed that the exercise of that freedom, which carried duties and responsibilities, must be regulated by the State and could be subject to restrictions under article 19 of the International Covenant on Civil and Political Rights.

Draft resolution A/C.3/64/L.39/Rev.1: Elimination of all forms of intolerance and of discrimination based on religion or belief

59. **The Chairperson** said that the draft resolution had no programme budget implications.

60. **Ms. Martensson** (Sweden), speaking on behalf of the European Union and the other main sponsors, said that since the introduction of the draft resolution, Israel, Turkey, the United Republic of Tanzania, the United States of America and Uruguay had also become sponsors. She welcomed the constructive atmosphere in which the draft resolution had been drawn up. She read out a final oral revision, which consisted of inserting the fifth preambular paragraph of the previous year's resolution (63/181) between the third and fourth preambular paragraphs of the current text: "Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed".

61. **Mr. Khane** (Secretary of the Committee) said that Brazil, Congo, El Salvador, Equatorial Guinea, Republic of Korea, Seychelles, Thailand and Ukraine had joined the sponsors of the draft resolution.

62. **Mr. Rastam** (Malaysia), speaking on behalf of the Organization of the Islamic Conference (OIC), reaffirmed that OIC opposed all forms of intolerance and discrimination based on religion or belief, condemned all acts of violence committed in the name of religion and believed that all of the world's religions shared the same values of peace, respect for others, and the sanctity of human life. Without opposing the general thrust of the draft resolution, OIC regretted that not all of its concerns had been addressed, and hoped that the differences could be resolved in the future. He felt that not enough emphasis had been placed on the role of education, prevention, and interreligious and intercultural dialogues in the elimination of intolerance and discrimination based on religion or belief. He noted that the freedom of opinion and expression, important as it was, must nonetheless be exercised responsibly, with respect for the freedom of religion and belief. He added that in joining the consensus on the draft resolution, OIC reserved the right to comment on any future texts.

63. *Draft resolution A/C.3/64/L.39/Rev.1 was adopted without a vote.*

Draft resolution A/C.3/64/L.43/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

64. **The Chairperson** said that the draft resolution had no programme budget implications.

65. **Mr. de León Huerta** (Mexico) requested that the adoption of the draft resolution should be deferred to the following day, so that it might be possible to complete the informal consultations.

Draft resolution A/C.3/64/L.49: Human rights and cultural diversity

66. **Ms. Pérez Álvarez** (Cuba) said that informal consultations were still being held on the draft resolution and requested that its adoption should be deferred to the following day.

The meeting rose at 12.15 p.m.

United Nations A/C.3/64/SR.47

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Third Committee

Summary record of the 47th meeting
Held at Headquarters, New York, on Tuesday, 24 November 2009, at 10 a.m.

Chairperson: Mr. Penke ..... (Latvia)

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The meeting was called to order at 10.20 a.m.

Agenda item 65: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/64/L.20/Rev.1)

Draft resolution A/C.3/64/L.20/Rev.1: The girl child

1. **The Chairperson** said that the draft resolution contained no programme budget implications.

2. **Mr. Nghifitikeko** (Namibia), speaking on behalf of the Southern African Development Community, introduced the draft resolution and said that Algeria, Argentina, Austria, Belgium, Benin, Burundi, Canada, China, Costa Rica, the Czech Republic, France, Ghana, Hungary, Ireland, Italy, Japan, Kazakhstan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Romania, Slovakia, Spain, Switzerland, Togo, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay had become sponsors of the draft resolution. Noting that the draft resolution addressed major challenges faced by the girl child, he invited States and the international community to take appropriate action to prevent all forms of discrimination and violence against the girl child.

3. Paragraph 19 of the draft resolution had been revised as follows: after the words "forced labour", the words "and child and" should be deleted, while the words "as well as marriage under legal age" should be inserted after the words "forced marriage".

4. He thanked all the sponsors for their efforts to come up with a consensus document that would help to ensure that girls had access to quality education, lived in dignity, were free from fear and enjoyed good health. He called upon those Member States that had not yet done so to sponsor the draft resolution in order to strengthen the promotion and protection of the rights of girls throughout the world.

5. **Mr. Khane** (Secretary of the Committee) said that the following countries had become sponsors of the draft resolution: Albania, Andorra, Antigua and Barbuda, Australia, Azerbaijan, Barbados, Belgium, Belize, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Colombia, the Congo, Croatia, Cuba, Cyprus, Denmark, the Dominican Republic, Equatorial Guinea, Estonia, Finland, the Gambia, Georgia, Germany, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Iceland, Israel, Jamaica, Latvia, Liberia, Liechtenstein, Lithuania, Malta, Mexico, Monaco, Montenegro, Nicaragua, Peru, the Philippines, Poland, the Republic of Moldova, San Marino, Serbia, Slovenia, Suriname, Sweden, Turkey and the former Yugoslav Republic of Macedonia.

6. **Mr. Javaheri** (Sweden), speaking also on behalf of Switzerland, said that, while Sweden and Switzerland had joined the consensus on that important draft resolution, they believed that, with respect to the oral revision to paragraph 19, the words "as well as marriage under legal age" must be construed within the meaning of the Convention on the Rights of the Child.

7. *Draft resolution A/C.3/64/L.20/Rev.1 was adopted without a vote.*

8. **Ms. Sapag** (Chile) said that the draft resolution constituted a major step forward in the promotion of the rights of the girl child. Her country looked forward to the report that the Secretary-General had been requested to submit on the issue of forced and child marriage and hoped that it would contribute to the effective implementation of the Convention on the Rights of the Child. Her delegation endorsed the Swedish delegation's comments on the revision to paragraph 19 and understood that it was meant to address the concerns of countries whose legislation provided for the marriage of children.

9. **The Chairperson** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the Secretary-General on the girl child (A/64/315) and the note of the Secretariat on the appointment of the Special Representative of the Secretary-General on violence against children (A/64/182).

10. *It was so decided.*

Agenda item 66: Indigenous issues (*continued*)

11. **The Chairperson** suggested that the Committee should take note, in accordance with decision 55/488 of the General Assembly, of the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, contained in document A/64/338.

12. *It was so decided.*

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance *(continued)*

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action *(continued)* (A/C.3/64/L.54/Rev.1)

Draft resolution A/C.3/64/L.54/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

13. **Mr. Khane** (Secretary of the Committee) read out a statement, in accordance with rule 153 of the rules of procedure of the General Assembly, on the programme budget implications of paragraphs 13, 18, 22 and 49 of the draft resolution. A total provision of US$ 141,063,400 (before recosting) was proposed under section 23, Human rights, of the proposed programme budget for the biennium 2010-2011. The requirements to implement the activities called for in paragraphs 18, 22 and 49 of the draft resolution would be met within those provisions. Extrabudgetary resources would be utilized, if necessary, to implement some of the activities falling under the Office of the High Commissioner for Human Rights. It was indicated, in the report of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council (A/64/353), that the activities related to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action were considered of a "perennial nature", and as such provisions had already been made for them also in the proposed programme budget for the biennium 2010-2011 under sections 2, General Assembly and Economic and Social Council affairs and conference management and 28E, Administration, Geneva, for conference servicing requirements.

14. With regard to paragraph 13, since the modalities of the one-day plenary event were to be finalized during the sixty-fifth session of the General Assembly, the programme budget implications of the event were not known and the General Assembly would be informed as soon as possible, according to established procedures. Accordingly, should the Third Committee adopt the draft resolution, there would be no requirement for additional provisions under the proposed programme budget for the biennium 2010-2011.

15. With regard also to paragraphs 18, 22 and 49 of the draft resolution, attention was drawn to the provisions of section VI of General Assembly resolution 45/248 B and subsequent resolutions, the most recent of which was resolution 62/236, in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee entrusted with responsibilities for administrative and budgetary matters and had reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

16. **Ms. Adhelrahman** (Sudan), speaking on behalf of the Group of 77 and China, said that the draft resolution called on the Human Rights Council to provide guidance and leadership in the follow-up to the implementation of the decisions of the Durban Review Conference and Programme of Action and requested that the implementation of the outcome of the Durban Review Conference should be undertaken in the same framework and by the same mechanisms as the outcome of the Durban Declaration and Programme of Action. As 2011 would mark the tenth anniversary of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Group of 77 and China requested that a plenary meeting should be convened to commemorate that anniversary.

17. The Group of 77 and China urged all Member States to join the consensus on the draft resolution.

18. **Ms. Shahar Ben-Ami** (Israel), noting that her delegation's position on the Durban Declaration and Programme of Action and the Review Conference was well known and had been explained on the occasion of a previous vote, requested a recorded vote on the draft resolution.

19. **Mr. Sammis** (United States of America), speaking in explanation of vote before the voting, said that the United States was deeply committed to fighting racism, racial discrimination, xenophobia and related intolerance at home and abroad. Its founding commitment to the principle that all people were created equal was manifested in both its legislation and policies to vigorously combat racist activities and attitudes, and in its ongoing work with the international community to fight prejudice based on race, nationality, ethnicity, religion, gender or sexual

orientation. The United States had recently presented an Action Plan to Combat Racial and Religious Discrimination and Intolerance during the session of the Ad Hoc Committee on Complementary Standards and would continue to work with other nations on practical measures to combat racial intolerance and discrimination.

20. The United States had not been able to support the Durban Review Conference Outcome Document because it endorsed the Durban Declaration and Programme of Action in toto and supported prohibitions on freedom of expression. It remained deeply concerned about speech that advocated national, racial or religious hatred, but did not agree that the best response was to restrict free speech. The best antidote were robust legal protections against discrimination and hate crimes, proactive outreach to racial and religious groups and the vigorous defence of freedom of expression. The United States regretted having to vote against the resolution, and hoped to find common ground on concrete approaches that both protected freedom of expression and combated all forms of racism and racial discrimination.

21. **Ms. Merchant** (Norway), speaking also on behalf of Iceland, said that Iceland and Norway were fully committed to the struggle against racism, racial discrimination, xenophobia and related intolerance. Norway had actively participated in the Durban Review Conference and had never doubted the need to join in the struggle against racism. Iceland and Norway had been sponsors of the draft decision on adoption of the outcome document of the Durban Review Conference. They had participated in good faith and constructively in negotiations on the resolution under consideration in the hope that they would once again be able to vote in favour, thereof, and deeply regretted that further negotiations had not been conducted. They hoped that in the future negotiations would be more transparent. For those reasons, Iceland and Norway would abstain in the vote on the draft resolution.

22. **Ms. Mårtensson** (Sweden), speaking on behalf of the European Union, said that the European Union wished to reiterate its full commitment to the fight against racism, racial discrimination, xenophobia and related intolerance, all of which contravened the values upon which the European Union was founded.

23. In Europe, organizations such as the Council of Europe and the Organization for Security and Cooperation in Europe, together with a number of non-governmental organizations, contributed significantly to the fight against racism, racial discrimination, xenophobia and related intolerance through independent monitoring and reporting procedures, awareness-raising campaigns, research and support for legal reform. Within the European Union, the European Union Agency for Fundamental Rights supported, through data collection and analysis, the implementation of European Union legislation to fight racism and discrimination. The European Union was well aware of its own problems in that regard and was determined to address them through sustained action based on the International Convention on the Elimination of All Forms of Racial Discrimination. It called for universal ratification of that instrument.

24. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the activities carried out under his mandate played a major role in the fight against of racism, racial discrimination, xenophobia and related intolerance at the international level. The European Union welcomed the approach of the Special Rapporteur, which attempted to anchor the debate in the relevant existing international legal framework.

25. The European Union had participated actively in the deliberations of the 2001 World Conference Against Racism and had agreed on its final document as a global agenda to eliminate racial discrimination all over the world. Since then, the member States of the European Union had focused their efforts on the full implementation of the Durban Declaration and Programme of Action. The European Union had also participated actively in preparations for the Durban Review, the outcome of which should serve as a basis for future work against racism, racial discrimination, xenophobia and related intolerance in the Third Committee, the Human Rights Council and all follow-up mechanisms for the fight against racism and related phenomena. However, paragraph 16 of the draft resolution clearly went against the discussions on streamlining of the Durban follow-up mechanisms.

26. With regard to the Ad Hoc Committee on the Elaboration of Complementary Standards, the European Union was not yet convinced of any normative gaps and the need for any additional international legal norms. It was important for the work of the Ad Hoc Committee to be based on consensus and be consistent with existing international norms.

The European Union had voted against the draft resolutions on that Committee's mandate and could not accept the positive references to that working group contained in the draft resolution under consideration. It was convinced that racism and related phenomena should be combated while respecting human rights and fundamental freedoms, notably freedom of expression, and would therefore have liked to see stronger language on the role that freedom of expression could play in combating racism, racial discrimination, xenophobia and related intolerance.

27. With regard to the upcoming commemoration of the tenth anniversary of the Durban Declaration and Programme of Action, the European Union recalled that a review conference had just taken place, and would have liked some more clarity on the budget implications of the planned commemoration.

28. Furthermore, the European Union believed that broader negotiations would have produced a better text, and reiterated its doubts about whether some parties were genuinely interested in maintaining the consensus on the Durban follow-up process and on the fight against racism. For all those reasons, the European Union could not lend its support to the draft resolution.

29. *A recorded vote was taken on draft resolution A/C.3/64/L.54/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Czech Republic, Denmark, Germany, Israel, Italy, Marshall Islands, Netherlands, Palau, Poland, Romania, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, New Zealand, Norway, Papua New Guinea, Portugal, Republic of Korea, Republic of Moldova, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, Vanuatu.

30. *Draft resolution A/C.3/64/L.54/Rev.1 was adopted by 122 votes to 13, with 45 abstentions.*[1]

31. **The Chairperson** suggested that the Committee should take note of the report of the Secretary-General entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" contained in document A/64/309.

[1] The delegation of Niger subsequently indicated that, had it been present, it would have voted in favour of the draft resolution.

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/64/L.43/Rev.1: Protection of human rights and fundamental freedoms while countering terrorism

32. **The Chairperson** said that the draft resolution contained no programme budget implications.

33. **Mr. De León Huerta** (Mexico), introducing draft resolution A/C.3/64/L.43/Rev.1, said that, because of divergent views on the report of the Special Rapporteur, the sponsors had tried to make the draft resolution as neutral as possible, in particular paragraph 12, which mentioned the report without expressing an opinion thereon or referring to the report's recommendations or its more controversial elements. However, since all the proposals to refer to that report in a neutral manner had been rejected during negotiations, he wished to propose several revisions in a final attempt to reconcile divergent positions.

34. The fifth preambular paragraph should be moved and inserted immediately after the second preambular paragraph, and a seventeenth preambular paragraph that read as follows should be added: "Recalling also Human Rights Council resolution 6/28 of 14 December 2007, by which the Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;". In the English version, at the end of paragraph 6 (f) the word "those" should be replaced by "these". Paragraph 6 (j) should be revised to read "Insofar as such an act runs contrary to their obligations under international law, not to expose individuals to danger of cruel, inhuman or degrading treatment or punishment by way of return to another country." Finally, paragraph 18 should now be inserted immediately after paragraph 16; the word "policies" in that paragraph should be replaced with the word "programmes"; and the words "in accordance with relevant national legislation" should be inserted at the end of that paragraph. The goal of the draft resolution was to ensure that measures taken to combat terrorism were consistent with international obligations under international human rights law.

35. **Mr. Khane** (Secretary of the Committee) announced that Ukraine had become a sponsor of the draft resolution.

36. **Mr. Monteiro Cardoso** (Cape Verde) said that his delegation wished to be removed from the list of sponsors.

37. **Ms. Kondolo** (Zambia), speaking on behalf of the African Group, expressed concern at the attempt, in the report of the Special Rapporteur, to marginalize the relevant human rights issues that needed to be urgently addressed and to redefine gender. The Group regretted that the Special Rapporteur had departed from the Code of Conduct for Special Procedures Mandate-holders thereby exceeding his mandate, in order to promote the Yogyakarta Principles.

38. The fact that the reference to that report had been retained in the draft resolution forced the African Group to propose two amendments. The first amendment was to replace the words "the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism" in paragraph 12 with the words "the previous work of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism undertaken according to his mandate, based on Commission on Human Rights resolution 2005/80 of 21 April 2005 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007 and 6/28 of 14 December 2007." The second amendment was to change the wording of paragraph 19 to read as follows: "*Requests* the Special Rapporteur to continue to make recommendations within the context of his mandate, with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism;".

39. **Mr. De Léon Huerta** (Mexico) requested a recorded vote on each of the two proposed amendments.

40. **Mr. Khane** (Secretary of the Committee) said that a recorded vote would be taken on the first amendment to draft resolution A/C.3/64/L.43/Rev.1, concerning paragraph 12.

41. **Ms. Melon** (Argentina), speaking in explanation of vote before the voting, said that the sponsors of the draft resolution had actively sought to reconcile the

divergent opinions expressed by the various countries, in order to produce a balanced draft resolution. She recalled that reports of Special Rapporteurs were useful in terms of stimulating discussion; that it was vital to ensure the independence of the Special Rapporteur's work; and that the report in question had been reviewed and discussed by the Committee. Since her delegation considered it undesirable to impose a wording that did not reflect all the positions expressed during the negotiations, she invited Member States to vote in favour of maintaining the neutral language of paragraph 12, which made no mention of the content, conclusions and recommendations of the report.

42. **Mr. De Léon Huerta** (Mexico) urged the sponsors of the draft resolution, and all other delegations, to vote against the proposed amendment.

43. **Ms. Martensson** (Sweden), speaking on behalf of the European Union, said that the revised draft resolution referred only in very weak terms to the report of the Special Rapporteur. The inability to reach an agreement on the text was therefore regrettable. The European Union hoped that the various countries would not become more deeply divided and that delegations would defend the existing text by voting against the proposed amendment.

44. **Ms. Richardson** (New Zealand) said that, while her delegation did not necessarily endorse the report of the Special Rapporteur, it was not uncommon to take note of a report in order to accommodate divergent opinions. That was precisely the aim of the revised draft resolution introduced by Mexico. New Zealand, which supported the independence of the special procedures system, would vote against the proposed amendments, since it considered that they could create an unfortunate precedent.

45. **Ms. Halabi** (Syrian Arab Republic) said that her delegation would vote in favour of the amendment proposed by the Group of African States. The Special Rapporteur had departed from the Code of Conduct adopted by the Human Rights Council and the mandate conferred on him. He had tried to interpret the text that the Member States had adopted by consensus in line with his own ideas, which had nothing to do with international law and international instruments.

46. *A recorded vote was taken on the first amendment proposed by Zambia.*

In favour:

Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Equatorial Guinea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Antigua and Barbuda, Bahamas, Barbados, Belize, Bhutan, Bolivia (Plurinational State of), Brazil, Congo, Fiji, Grenada, India, Indonesia, Nepal, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Singapore, Sri Lanka,

Suriname, Thailand, Tonga, Trinidad and Tobago, Uzbekistan.

47. *The first proposed amendment to draft resolution A/C.3/64/L.43/Rev.1 was adopted by 77 votes to 73, with 23 abstentions.*[2]

48. **The Chairperson** said that a recorded vote had been requested.

49. **Mr. Khane** (Secretary of the Committee) said that a recorded vote would be taken on the second amendment to draft resolution A/C.3/64/L.43/Rev.1 proposed by Zambia on behalf of the Group of African States. The proposal was to delete the words "to continue" from paragraph 19.

50. **Ms. Kondolo** (Zambia), speaking on behalf of the Group of African States, said that the Group was disappointed in the report of the Special Rapporteur and considered that he had exceeded his mandate in making his recommendations. It had therefore proposed a second amendment in order to ensure that future recommendations of the Special Rapporteur were made in the context of his mandate.

51. **Ms. Flood-Beaubrun** (Saint Lucia), speaking in explanation of vote before the voting, said it was regrettable that the draft resolution in question would not be adopted by consensus as in previous years. At the time of the introduction of the report (A/64/211), her delegation had expressed its opposition to the incorporation of the Special Rapporteur's personal ideas about what a gender perspective meant in the context of his mandate. It had lamented the fact that the Special Rapporteur had exceeded his mandate, unilaterally attempted to change the definition of a universally accepted term, based his definition on premises that did not exist in international human rights law and made undefined terms the main focus of his work.

52. She reiterated her delegation's request for the Special Rapporteur to provide real guidance on counter-terrorism measures from a gender perspective. The Special Rapporteur's departure from his mandate had consequences for all Member States and for victims of gender-based discrimination in the context of counter-terrorism efforts. The United Nations sought to ensure that the terms used in its work were understood and agreed upon by all Member States and that outcome documents reflected varying perspectives. Accepting the Special Rapporteur's definition of gender without serious discussion would undermine those efforts.

53. Her delegation, recognizing the significance of the Special Rapporteur's work, was awaiting a true report from him on the protection of fundamental freedoms while countering terrorism within the context of his mandate. It would vote in favour of the draft amendment proposed by Zambia.

54. *A recorded vote was taken on the second amendment proposed by Zambia.*

In favour:

Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands,

[2] The delegation of the Congo informed the Committee that, although the voting record showed an abstention for her country, it had voted in favour of the draft resolution.

Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

Abstaining:

Antigua and Barbuda, Bahamas, Barbados, Belize, Bhutan, Bolivia (Plurinational State of), Brazil, Grenada, India, Indonesia, Nepal, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, Sri Lanka, Suriname, Thailand, Tonga, Trinidad and Tobago, Uzbekistan.

55. *The second proposed amendment to draft resolution A/C.3/64/L.43/Rev.1 was adopted by 81 votes to 73, with 20 abstentions.*

56. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that her delegation, as a sponsor of the draft resolution, believed that the failure to mention the report of the Special Rapporteur could set a dangerous precedent. However, it had voted in favour of the two amendments proposed by the Group of African States, since it considered that the Special Rapporteur had exceeded his mandate. It was regrettable that those discussions had eclipsed the substantive debate on the draft resolution. She appreciated the efforts that Mexico had made during the negotiations to accommodate the different positions taken on the Special Rapporteur's report.

57. **Mr. Tarar** (Pakistan) said it was regrettable that the Special Rapporteur had departed from his mandate and that his controversial report had prevented a consensus from being reached on that important draft resolution. His delegation supported the amendments proposed by the Group of African States and hoped that, in the future, Special Rapporteurs would respect intergovernmentally agreed mandates.

58. **Mr. Khane** (Secretary of the Committee) announced that the following delegations had joined the sponsors: Angola, Azerbaijan, Benin, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Dominica, Egypt, Equatorial Guinea, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Mali, Nigeria, Senegal, Somalia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

59. **Mr. Preston** (United Kingdom) said that his delegation wished to withdraw from the list of sponsors of the revised draft resolution as amended.

60. **The Chairperson** said that a recorded vote would be taken on draft resolution A/C.3/64/L.43/Rev.1, as orally revised and amended.

61. **Ms. Kondolo** (Zambia) said that the Group of African States thanked those countries that had voted in favour of the proposed amendments and was pleased that the draft enjoyed the support of a majority of Member States. Her delegation would vote in favour of the revised draft resolution, as amended.

62. **Mr. De Léon Huerta** (Mexico), speaking on behalf of the sponsors, said that they were disappointed that the draft resolution had been amended. They would, however, vote in favour of the draft resolution as amended, since the protection of human rights and fundamental freedoms while countering terrorism was a very important issue. Furthermore, the sponsors did not consider the draft resolution, as amended, to be a motion of no confidence in the Special Rapporteur, whose work continued to promote respect for human rights. They therefore encouraged all delegations to vote in favour of the draft resolution.

63. *A recorded vote was taken on draft resolution A/C.3/64/L.43/Rev.1, as orally amended and revised.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea,

Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Saint Kitts and Nevis.

64. *Draft resolution A/C.3/64/L.43/Rev.1, as orally amended and revised, was adopted by 181 votes to none, with 1 abstention.*

65. **Ms. Pérez Álvarez** (Cuba) said that her delegation had voted in favour of the amendments proposed by the African Group because it had felt that all human rights special procedures mandate holders had to comply with their Code of Conduct. However, that did not mean that Cuba agreed to give to the Human Rights Council powers or prerogatives beyond the ambit of the United Nations Charter.

66. **Ms. Mårtensson** (Sweden), speaking on behalf of the European Union, said it was regrettable that a consensus could not be reached on the draft resolution, but thanked Mexico, its main sponsor. The text adopted did not accurately reflect the position of the European Union, which felt that special procedures mandate holders should be able to discharge their mandates in complete independence. Special procedures were meant to encourage discussion among States, in order to enhance the protection of human rights for all, and the European Union hoped that those procedures would be maintained.

67. **Mr. De Léon Huerta** (Mexico) said it was regrettable that a consensus could not be reached on such a vital question and reiterated his delegation's commitment to the activities of the Human Rights Council. A great deal of impartiality was required to protect human rights throughout the world. He hoped that, in 2010, discussions with the different groups and countries would help generate a consensus, without any delegation having to abandon its principles or convictions.

Draft resolution A/C.3/64/L.44/Rev.1: International Year for People of African Descent

68. **The Chairperson** said that the draft resolution contained no programme budget implications.

69. **Ms. Blum** (Colombia) introduced draft resolution A/C.3/64/L.44/Rev.1, entitled "International Year for People of African Descent" on behalf of the sponsors. The text was the result of a compromise among the delegations that had participated in the informal consultations on the initial draft. The International Year, to begin on 1 January 2011, would increase awareness among States and the international community of the need to promote policies and actions to ensure the full enjoyment by people of African descent of all their rights.

70. The legal framework for the International Year was recalled in the preamble while its objectives were described in paragraph 1. The text also requested the Secretary-General to submit to the General Assembly at its sixty-fifth session a report containing a draft programme of activities for the International Year. She hoped that the draft resolution would be adopted by consensus, and noted that Belize and the United States of America had become sponsors of the draft resolution.

71. *Draft resolution A/C.3/64/L.44/Rev.1 was adopted without a vote.*

72. **Ms. Blum** (Colombia) welcomed the adoption without a vote of draft resolution A/C.3/64/L.44/Rev.1 concerning the International Year for People of African Descent. She hoped that it would help to promote the exercise by people of African descent of their rights and combat discrimination against them. People of African descent accounted for a significant proportion of the population of the States that had sponsored the draft resolution. Those States were committed to the adoption of special measures to encourage the participation of those people both as actors in and beneficiaries of development.

73. **Ms. Mårtensson** (Sweden), speaking on behalf of the European Union, said that the European Union had been pleased to join the consensus even though it had some reservations about the utility of international years. However, she hoped that the International Year for People of African Descent would help those people enjoy all their rights. The sponsors had allayed the European Union's concerns by ensuring that the International Year concerned all human rights and would not have any programme budget implications.

74. **Mr. Babadoudou** (Benin) said that his delegation had joined the consensus despite its initial criticisms. He rejected the marginalization and misery-driven clichés traditionally associated with black people as a consequence of slavery and colonization. Each government had to ensure that its people fully enjoyed their human rights. Through negotiations, it had been possible to reach a consensus, which Benin was joining. His delegation viewed the initiative as an appeal from the sponsors to the international community to perhaps help them to resolve their national problems.

Draft resolution A/C.3/64/L.49: Human Rights and Cultural Diversity

75. **Mr. Khane** (Secretary of the Committee) announced that China had become a sponsor of the draft resolution. Presenting a statement of the programme budget implications of the draft resolution in accordance with rule 153 of the rules of procedure of the General Assembly, he said that the additional provisions made in the proposed programme budget for the biennium 2010-2011 in response to the request contained in resolution 10/23 of the Human Rights Council would help to implement the activities of the new special procedures procedure entitled "independent expert in the field of cultural rights". The resource implications to support the preparation of a report as mandated in the draft resolution would therefore be met within the provisions of the proposed programme budget. If adopted, the draft resolution would not have any budget implications for the biennium 2010-2011.

76. **Ms. Pérez Alvarez** (Cuba) introducing the draft resolution for the first time on behalf of the 118 member countries of the Movement of Non-Aligned Countries, pursuant to the commitment made by their leaders to contribute to the implementation of the Tehran Declaration and Programme of Action on Human Rights and Cultural Diversity, said that the draft resolution would subsequently be presented every two years.

77. Cultural diversity contributed to the enrichment of humankind and must be respected throughout the world. Following many informal and bilateral consultations, the Movement of Non-Aligned Countries had endeavoured to propose a draft resolution formulated in fairly neutral terms, even using some of the language from texts presented recently by European States, in the hope of obtaining the support of all Member States.

78. Regrettably, despite the openness of the Movement of Non-Aligned Countries, it had not been possible to adopt that vital draft resolution by consensus because of the rigid stance of a few countries that insisted that their point of view should prevail. The sponsors had originally planned to submit a text that reflected revisions agreed during the negotiations, but had decided, given the likelihood of the draft resolution being put to a vote, to submit the initial version of the draft to the Committee. She nevertheless urged all the member countries of the Non-Aligned Movement and other countries to adopt the draft resolution.

79. Paragraph 16 had been revised; the word "invite" should be inserted after the words "High Commissioner and".

80. **Mr. Khane** (Secretary of the Committee) announced that El Salvador had become a sponsor of the draft resolution.

81. **Ms. Mårtensson** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia,

the former Yugoslav Republic of Macedonia and Turkey, the stabilization and association process countries Albania and Montenegro; and, in addition, Australia, Iceland, Liechtenstein, New Zealand, Norway, Republic of Moldova, Switzerland and Ukraine, said that the European Union, which had participated in the negotiations on the text in a constructive manner, attached great importance to cultural diversity, which could only be defended if human rights and fundamental freedoms, in particular freedom of expression and information, were guaranteed. All States had a duty to ensure that those rights were respected. Human rights were universal and could not be judged based on any cultural relativism. That was why the European Union had proposed that a reference should be made in the text to one of the fundamental principles of the UNESCO Universal Declaration on Cultural Diversity: "No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope." Regrettably, that proposal had been rejected.

82. The European Union was also concerned about the frequent reference in the text to "universally accepted human rights", which gave the impression that some human rights were not universally accepted. The European Union regretted that that wording had not been changed, as had been the case during the negotiations on Human Rights Council draft resolution 10/23. In addition, the European Union disapproved of the reference, in the preamble, to a meeting held in 2007 outside the United Nations framework and attended by only some Member States. Expressing regret that the text presented did not reflect any of the European Union's proposals, she requested a recorded vote on the draft resolution and urged Member States to vote against it.

83. **Mr. Attiya** (Egypt), speaking on behalf of the Movement of Non-Aligned Countries, said that respect for cultural diversity, understanding among peoples, and protection of human rights were fundamental principles which were, moreover, closely linked to economic development, peace and security, particularly in the current global context. Hence, it went without saying that any effort to promote tolerance and respect for diversity would not infringe upon human rights guaranteed by international law. Human rights were indivisible and interdependent and the international community had to consider them as such. While cultural and historical differences could not be ignored, all States had a duty to protect all human rights and fundamental freedoms.

84. At their fifteenth summit in Sharm el-Sheikh, the Heads of State and Government of the Movement of Non-Aligned Countries had reaffirmed the importance of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and had called upon all Member States to become parties thereto. They had also advocated the implementation of the principles contained in the Tehran Declaration and Programme of Action through the rapid adoption of appropriate instruments by the United Nations. The Movement of Non-Aligned Countries, which had done its utmost to take the concerns of all States into account, was deeply disappointed that those States requesting a recorded vote had not acknowledged those efforts. He called on all States to vote in favour of that important draft resolution.

85. **Ms. Mitchell** (Canada), speaking in explanation of vote before the voting, expressed regret that the draft resolution had not taken into account her delegation's suggestions, which had been designed to ensure that cultural diversity was not invoked in an effort to limit the scope of universal human rights guaranteed by international law. Consequently, Canada would not be able to vote in favour of the draft resolution.

86. **Mr. Sammis** (United States of America), recalling the provisions of the Charter of the United Nations, said that governments had a responsibility to cooperate in ensuring the exercise of the rights and freedoms contained in international human rights law. His delegation had worked to find language adequately specifying that the concept of cultural diversity should be anchored to international human rights law, and could not be used to legitimize human rights abuses. Regrettably, that point was not set forth clearly in the draft text. His delegation would therefore vote against the draft resolution. The United States of America shared the concerns raised by the representatives of Canada and Sweden.

87. *A recorded vote was taken on draft resolution A/C.3/64/L.49.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of),

Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Fiji, Japan, Timor-Leste.

88. *Draft resolution A/C.3/64/L.49 was adopted by 125 votes to 50, with 4 abstentions.*

89. **Ms. Halabi** (Syrian Arab Republic) said it was regrettable that the group of Western European and other States had insisted on putting the draft resolution to a vote. The non-aligned States had made every effort to take into account the concerns that had been expressed, notably by the delegation of Sweden on behalf of the European Union. Those States were bent on eliminating the cultural rights of other peoples and had shown a lack of tolerance towards other cultures.

90. **Ms. Medal** (Nicaragua) said it was regrettable that the draft resolution had not been adopted without a vote, as in the past. States that claimed to be defenders of human rights should discard their policy of double standards and commit themselves to the promotion and protection of all human rights without any selectivity.

91. **Mr. González** (Costa Rica) said that his delegation endorsed the use of the phrase "universal human rights" in paragraph 11. Costa Rica was an ardent defender of cultural diversity and pluralism, which should not, however, open the door to cultural relativism. Human rights were universal, indivisible, interdependent and interrelated.

92. **Ms. Sapag** (Chile) said her delegation, which was of the view that human rights were universal, indivisible and interdependent, categorically rejected any interpretation that tended to limit those rights and had therefore voted in favour of the draft resolution.

93. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said it was regrettable that, despite the flexibility of the non-aligned States, certain members of the European Union had rejected that important draft resolution, which had been adopted without a vote two years before. Her delegation failed to understand how certain States could speak of tolerance, peace and the promotion of human rights while at the same time hindering dialogue and understanding between peoples.

94. **The Chairperson** declared that the Committee had concluded its consideration of draft resolution A/C.3/64/L.49.

95. He suggested that before concluding the consideration of agenda item 69 as a whole, the Committee should, in accordance with General Assembly decision 55/488, take note of the following documents: Report of the Committee against Torture

on the work of its forty-first and forty-second sessions (A/64/44); Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/64/264); Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/64/306 and Corr.1); Report of the United Nations High Commissioner for Human Rights on the equitable geographical distribution in the membership of the human rights treaty bodies (A/64/212); Note by the Secretary-General on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/64/276); Report of the Secretary-General on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/64/175); Report of the Secretary-General on the protection of migrants (A/64/188); Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/64/216); Note by the Secretary-General on the independence of judges and lawyers (A/64/181); Note by the Secretary-General on extrajudicial, summary or arbitrary executions (A/64/187); Note by the Secretary-General on the human rights of migrants (A/64/213 and Corr.1); Note by the Secretary-General on the right to adequate housing (A/64/255); Note by the Secretary-General on the Right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/64/272); Report of the United Nations Special Rapporteur on the right to education (A/64/273); Report of the independent expert on the question of human rights and extreme poverty (A/64/279); Note by the Secretary-General on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/64/289 and Corr.1); Report of the United Nations High Commissioner for Human Rights (A/64/36).

96. *It was so decided.*

Agenda item 118: Revitalization of the work of the General Assembly

Tentative programme of work of the Third Committee for the sixty-fifth session of the General Assembly, submitted by the Chairman of the Committee (A/C.3/64/L.64)

97. **The Chairperson** said he took it that the Committee wished to adopt the draft programme of work and transmit it to the President of the General Assembly for consideration by the Assembly in plenary session.

98. *It was so decided.*

99. **The Chairperson** declared that the Committee had completed its work for the main part of the sixty-fourth session.

The meeting rose at 1.25 p.m.